

1 receptionist and one other employee learned from the individual in the lobby that he was
2 attempting to serve a summons on Simon Lewis as Agent of Process for Dataway, Inc.
3 Mr. Molieri interacted and refused to take the documents and informed the process server
4 he would need to come back the following week after Simon had returned to give him
5 those documents personally. Further, the process server said "I was just going to shuffle
6 them from under the door", to which Mr. Molieri replied "do as you must but I am not
7 accepting these documents", he then proceeded to drop the summons, complaint and the
8 court documents including only Judge Conti's recusal on Dataway's front counter and
9 left, where he took them from after the process server had left the premises. Mr. Molieri,
10 brought the documents to me and my attention for the first time on July 16, 2007 my first
11 day back in the office after over a three week work absence. The Reassignment Order and
12 new Case Management dates were not amongst these documents.

16 I declare under penalty of perjury under the laws of the State of
17 California that the foregoing is true and correct, if called upon to testify, I could or
18 would competently testify thereto and that this declaration was executed this 29th
19 day of August 2007, at San Francisco, California.

31 | DATED: August 29, 2007

Respectfully Submitted,

SIMON LEWIS
Agent for Service of Process
For Defendant Dataway, Inc